

student's parent/guardian, for their minor son; and M.K. a minor student, and S.K, the student's parent/guardian, for her minor daughter, file this Motion for Summary Judgment under Fed. R. Civ. P. 56, or Suggestion for Potential Mootness. They show:

1. All parties participated in a mediation on April 18, 2022 with former Chancellor Daryl Fansler serving as the mediator. (D.E. 130). The Plaintiffs and Knox County Board of Education reached a settlement of all matters, but the Plaintiffs and Governor Lee were unable to reach a settlement. Accordingly, they will represent the sole remaining parties before the Court.

2. Governor Lee's Executive Order 84 is no longer pending, having been enjoined. Universal masking is not a current recommendation of the CDC based on the metrics in Knox County. However, if Executive Order 84 *were* to be reissued during a time the CDC recommended universal masking in Knox County, it would again interfere with the ADA's interactive process between persons with disabilities and their local school districts. Accordingly, absent a clear indication that Governor Lee will not issue Executive Order 84, a summary judgment should be entered declaring that Executive Order 84 violates the ADA and Section 504 of the Rehabilitation Act for the same reasons in the Court's Order Granting Preliminary Injunction.

3. Alternatively, *if Governor Lee* indicates there is no intention to reissue Executive Order 84, then Plaintiffs would agree the matter against the Governor is moot and, save for the pending matters of attorneys' fees, a dismissal for mootness would be appropriate.

4. A corresponding Memorandum of Law is submitted herewith.

Respectfully submitted,

GILBERT LAW, PLC

/s Justin S. Gilbert

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that this Motion was served upon all counsel of record for the Defendants, including Reed Smith and Marty McCampbell for Governor Lee, through the Court's ECF filing system on April 26, 2022.

/s Justin S. Gilbert